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MAY 12 2005

Clerk, U.S. Dist. Court
W. Dist. of N.C.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
ASHEVILLE, N. C.

MAY 17 2005

U.S. DISTRICT COURT
W. DIST. OF N. C.

ROBERT ARROWOOD,

Plaintiff,

v.

JO ANNE B. BARNHART,

Commissioner of Social Security,

Defendant.

CIVIL NO. 1:04CV188

NOTICE OF SETTLEMENT OF EAJA PETITION AND
CONSENT ORDER OF DISMISSAL

THIS MATTER is before the Court upon plaintiff's "Motion for Attorney's Fees and Costs" pursuant to the Equal Access to Justice Act, (EAJA), 28 U.S.C. § 2412(d). This EAJA petition is the only matter remaining for the Court. By their respective signatures hereon, the parties hereby give notice that the amount of the EAJA fee has been settled and agree to a dismissal of the EAJA petition without prejudice to its renewal should the settlement not be consummated.

WHEREFORE, for the forgoing reasons, the EAJA petition is dismissed without prejudice.

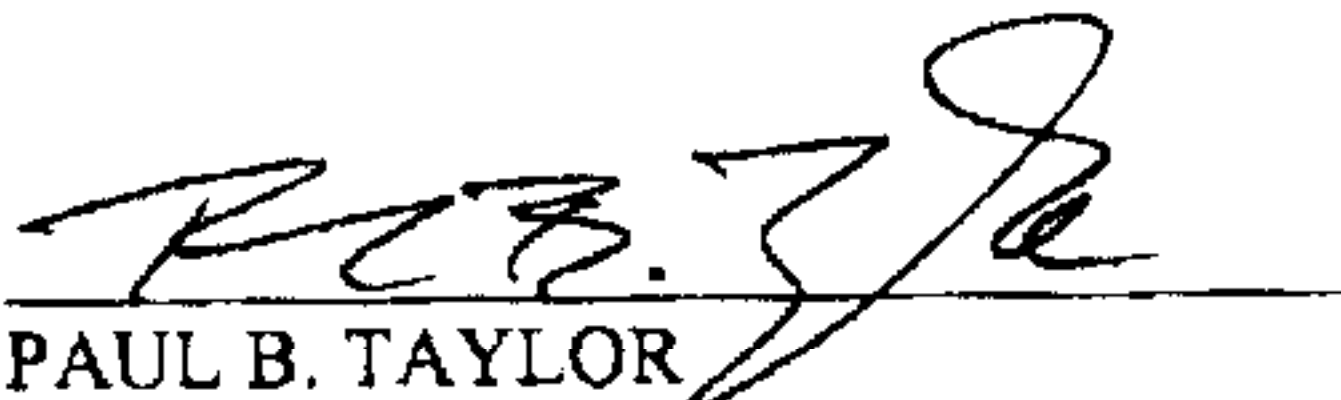
The Clerk is directed to send copies of the Order to counsel for the parties.

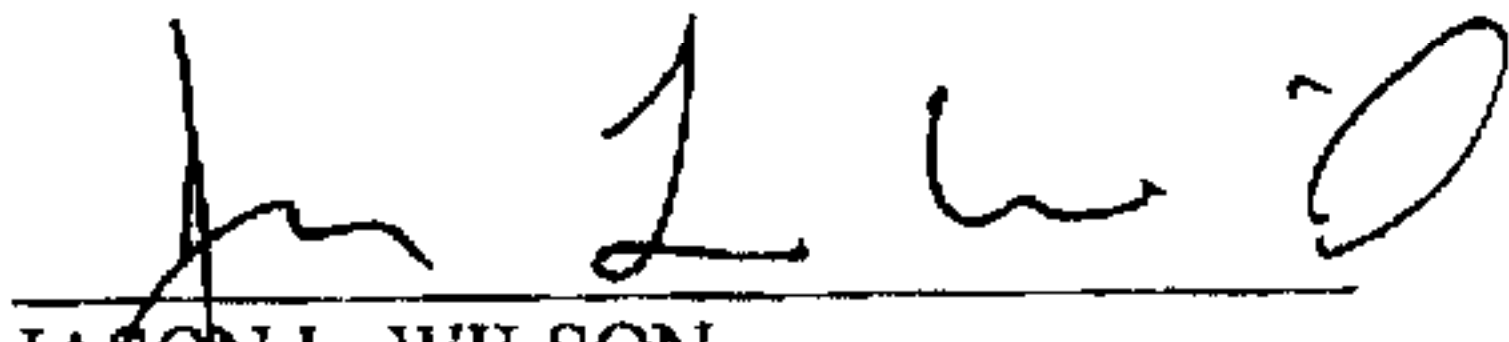
SO ORDERED, this the 16th day of May, 2005.


DENNIS LEE HOWELL
UNITED STATES MAGISTRATE JUDGE

WE CONSENT:

GRETCHEN C.F. SHAPPERT
UNITED STATES ATTORNEY


PAUL B. TAYLOR
Assistant United States Attorney
Chief, Civil Division


JASON L. WILSON
Counsel for the Plaintiff (Robert Arrowood)

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

ROBERT ARROWOOD,

PLAINTIFF,

VS.

JO ANNE BARNHART,
COMMISSIONER OF THE
SOCIAL SECURITY ADMINISTRATION,

DEFENDANT.

CIVIL ACTION NO.
1:04CV188

ORDER AWARDING ATTORNEY'S FEES AND COSTS
UNDER THE EQUAL ACCESS TO JUSTICE ACT

Plaintiff has petitioned this court pursuant to the Equal Access to Justice Act, 38 U.S.C. Section 2412(d), for an award of attorneys' fees and costs in the above entitled action without objection by the Defendant, the Commissioner of the Social Security Administration. This court hereby ORDERS that the Plaintiff in the above-entitled action be awarded attorney's fees in the amount of \$2700.50 and expenses in the amount of \$26.60, for a total of \$2726.60.

This the _____ day of _____, 2005.

United States District Judge

